



City of Cannon Falls

Goodhue County

June 16, 1998

306 W. Mill Street • Cannon Falls, MN 55009 • (507) 263-3954

FAX • (507) 263-5843

Chairman William Kennard
Federal Communications Commission
1919 M Street, NW., Room 814
Washington, DC 20554

EX PARTE RECEIVED

JUN 26 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Ex Parte Filing in Cases FO 91-171; FO 91-301

Dear Chairman Kennard:

Please reject the proposed change in your Emergency Alert System (EAS) rules. It would prevent people watching local TV stations on cable system from receiving emergency announcements from their local public safety authorities.

There is no basis for such preemption of state and local public safety authorities, particularly against their will. All viewers of cable channels should get emergency announcements from their local public safety authority. Otherwise, the public safety is harmed. So please reject the proposed change, including any proposal to preempt franchise provisions on local emergency alerts.

Municipalities are charged with protecting the public safety. They have trained public safety authorities on duty 24 hours a day with an obligation and duty to notify the public of emergencies. Where they have felt it necessary (such as TV station announcements being inadequate or needing supplementing) municipalities require all channel local alert systems in their cable franchises. It is a violation of Federalism, common sense and your statutory duty to turn this vital public safety function over to a private party who has no obligation, training or authority on public safety matters.

Broadcasters supporting the proposed rule claim that their emergency alerts are superior to those of state and local public safety authorities. This is a decision for each municipal safety authority to determine on a case by case basis, as reflected in their cable franchise. This decision cannot be turned over to a private party with no public safety obligation.

Alert systems deal with emergencies where public safety authorities have determined that the public needs to be informed immediately. The fact that emergency alerts from public safety authorities may occasionally overlap those of private parties (such as broadcasters) is a minor problem, if it's a problem at all. The NAB's proposed rule is unacceptable because it guarantees a substantial reduction in the number of people receiving emergency announcements from their local public safety authority.

Emergency information on TV stations can be helpful but are typically involved in weather emergencies only. Local emergency alerts are also used for other types of emergencies, such as hazardous material spills, gas leaks, prison escapes, street and bridge closings and local snow emergencies. TV stations typically don't cover these. In part, this is because TV stations serve hundreds of communities located over a very large regional

0

area. They don't cover local emergencies that affect only one community. Cable systems are often the best or only means for municipalities to alert their residents to local emergencies.

I will give you a specific example of how this affects Cannon Falls. Our community is located down stream from a hydroelectric dam. In the event of failure of the dam, we would have only fifteen minutes before a wave of water would sweep through residential areas. Federal Energy Regulatory Commission has mandated that a siren be installed to warn of this emergency. Unfortunately, sirens are not designed to warn people that are inside buildings. As a result we will be dependent on the cable system emergency announcement, in addition to sirens. Hundreds of peoples lives are at risk. If they do not immediately move to high ground they will probably die. It is beyond my comprehension that you would consider taking this emergency alert system away from us.

The Cable Act allows communities in renewals to require cable systems to meet community needs. Local emergency alert systems are part of meeting such needs. Because they are protected by these provisions of the Cable Act, you cannot preempt them. And any attempt at preemption would violate the principles of Federalism and the U.S. Constitution due to public safety matters being of vital local concern.

Very truly yours,



Dallas Larson, City Administrator

Cc: Commissioner Harold Furchtgott-Roth
Commissioner Michael Powell
Commissioner Gloria Tristani
Commissioner Susan Ness
Mr. John Logan, Acting Chief, Cable Services Bureau
Ms. Magalie Roman Salas, Secretary FCC (Two copies)

Commissioner Harold Furchtgott-Roth
Federal Communications Commission
1919 M Street, Room 802
Washington, DC 20554

Commissioner Michael Powell
Federal Communications Commission
1919 M Street, Room 844
Washington, DC 20554

Commissioner Gloria Tristani
Federal Communications Commission
1919 M Street, Room 826
Washington, DC 20554

Commissioner Susan Ness
Federal Communications Commission
1919 M Street, Room 832
Washington, DC 20554

Mr. John Logan, Acting Chief
Cable Services Bureau
918 Empire Building
2033 M Street NW
Washington, DC 20554

Ms. Mjagalie Roman Salas, Secretary
Federal Communications Commission
1919 M Street NW, Room 222
Washington, DC 20554